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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL MISC. PETITION NO. 529/2007

RAMSWAROOP & ANR. Vs. STATE OF RAJASTHAN

DATE: 17.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.K. Gupta for the petitioners.

Mr. Jainendra Jain, Public Prosecutor for the State.

The instant misc. petition under Section 482 Cr.P.C. is preferred by the petitioners against the order dated 27.02.2007 passed by the District & Sessions Judge, Karauli in Criminal Revision Petition No. 16/2007, by which the Revisional Court has set-aside the order dated 25.01.2007 passed by the Additional Chief Judicial Magistrate, Karauli in Criminal Case No. 517/2006 and while allowing the application filed by the petitioners for Supurdgi of tractor and its trolley directed the trial Court to deliver the tractor on furnishing Supurdginama on Rs. 3 lacs with bank guarantee in the like amount.

Learned counsel for the petitioners submits that the present controversy is squarely covered by the judgment rendered by this Court in the **S.B. Criminal Revision Petition No. 174/2007- Kaptan Vs. State of Rajasthan**, dated 15.03.2007 and placed reliance on the

(2)

judgment rendered by this Court in the case of **Nanda Vs. State of Rajasthan**, reported in 2004 WLC(Raj.)UC 608, wherein custody of tractor carrying stones in contravention of provisions of Forest Act directed to be delivered along with trolley to the petitioner on supardgi on furnishing a personal bond in the sum of Rs. 1 lac along with a surety in the same amount with the condition that he will not transfer or alienate the same and no change shall be made in its condition and further he will produce it as and when ordered by the trial Court.

I have heard rival submissions of the respective parties and have also gone through the order impugned dated 27.02.2007 passed by the Revisional Court as well as the order dated 25.01.2007 passed by the trial Court.

The tractor in question was carrying send stone in trolley, which is of course contrary to the provisions of the Forest Act and the tractor and trolley both were seized along with send stone.

Looking to the facts that the petitioners are agriculturists and the tractor is required for agricultural purposes, in such circumstances, it is ordered that the tractor bearing No. **UP-80V-0854** along with its trolley shall be delivered to the petitioners on 'Supurdgi' on furnishing a personal bond in the sum

(3)

of Rs. 3 lacs along with a surety in the like amount with the condition that they will not transfer or alienate the tractor and its trolley and no change shall be made in its condition and further the petitioners will produce the same as and when required by the trial Court.

With these observations, the misc. petition stands disposed of.

(K.S. RATHORE), J.

/KKC/